

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED **NOV 17 2016**

UNITED STATES OF AMERICA

- v. -

BRIAN COLL,

Defendant.

INDICTMENT

S3 15 Cr. 360 (LAP)

COUNT ONE

(Deprivation of Rights Under Color of Law)

The Grand Jury charges:

1. On or about December 19, 2012, in the Southern District of New York, BRIAN COLL, the defendant, while acting under color of a law of the state of New York, did willfully assault Ronald Spear resulting in bodily injury to Ronald Spear and in the death of Spear, and did thereby willfully deprive Ronald Spear of a right secured and protected by the Constitution and laws of the United States, namely, the right to be secure in his person and free from excessive use of force, to wit, while working as a correction officer in the New York City Department of Correction assigned to Rikers Island in the Bronx, New York, COLL willfully kicked Ronald Spear multiple times in the head while he was restrained, which resulted in bodily injuries to Spear and in the death of Spear.

(Title 18, United States Code, Sections 242 and 2.)

COUNT TWO
(Conspiracy to Obstruct Justice)

The Grand Jury further charges:

2. From at least on or about December 19, 2012, up to and including in or about April 2015, in the Southern District of New York and elsewhere, BRIAN COLL, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 1512(b)(3).

3. It was a part and an object of the conspiracy that BRIAN COLL, the defendant, and others known and unknown, would and did knowingly use intimidation, threaten, and corruptly persuade another person, and engage in misleading conduct toward another person, with intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission or possible commission of a federal offense, to wit, COLL and his co-conspirators agreed to make false statements to multiple investigators about the assault of Ronald Spear, an inmate at a Rikers Island correctional facility, in order to cover up the fact that COLL had unlawfully assaulted Spear by repeatedly kicking Spear in the head after Spear had been restrained.

(Title 18, United States Code, Sections 1512(b)(3) & (k).)

COUNT THREE
(Obstruction of Justice)

The Grand Jury further charges:

4. From on or about December 19, 2012, up to and including in or about 2015, in the Southern District of New York and elsewhere, BRIAN COLL, the defendant, knowingly used intimidation, threatened, and corruptly persuaded another person, and attempted to do so, and engaged in misleading conduct toward another person, with intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission or possible commission of a federal offense, and aided and abetted such conduct, to wit, COLL himself made, and encouraged others to make, false statements to New York Department of Correction senior staff and the Bronx District Attorney's Office with respect to the death of Ronald Spear, an inmate at Rikers Island.

(Title 18, United States Code, Sections 1512(b)(3) and 2.)

COUNT FOUR
(Conspiracy to Falsify Records and Documents)

The Grand Jury further charges:

5. From on or about December 19, 2012, through in or about at least March 2015, in the Southern District of New York and elsewhere, BRIAN COLL, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit

an offense against the United States, to wit, falsifying of records and documents, in violation of Title 18, United States Code, Section 1519.

6. It was a part and an object of the conspiracy that COLL, the defendant, and others known and unknown, knowingly would and did alter, destroy, mutilate, conceal, cover up, falsify, and make a false entry in a record, document, and tangible object with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of a department and agency of the United States, to wit, COLL and his co-conspirators agreed to falsify use of force reports with the intent to impede the investigation of the death of Ronald Spear, an inmate at Rikers Island, which investigation falls within the jurisdiction of the United States Attorney's Office for the Southern District of New York, in violation of Title 18, United States Code, Section 1519.

7. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about December 19, 2012, COLL and a co-conspirator not named as a defendant herein ("CC-1") submitted use of force reports to the New York City Department of

Correction Investigative Division that contained false, misleading, and incomplete information about the use of force incident with inmate Ronald Spear, which incident led to the death of Ronald Spear.

(Title 18, United States Code, Section 371.)

Count FIVE
(Falsifying Records and Documents)

The Grand Jury further charges:

8. From on or about December 19, 2012, through in or about at least February 2, 2013, BRIAN COLL, the defendant, knowingly altered, destroyed, mutilated, concealed, covered up, falsified, and made a false entry in a record, document, and tangible object with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of a department and agency of the United States, to wit, BRIAN COLL falsified use of force reports with the intent to impede the investigation of the death of Ronald Spear, an inmate at Rikers Island, which investigation fell within the jurisdiction of the United States Attorney's Office for the Southern District of New York.

(Title 18, United States Code, Sections 1519 and 2.)


FOREPERSON

11/17/16


PREET BHARARA
United States Attorney

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Defendant.

INDICTMENT

S3 16 Cr. 360 (LAP)

(Title 18, United States Code, Sections
242, 371, 1503, 1519 & 2.)


Foreperson. United States Attorney.
11/17/16

11/17/16 - Filed Superseding Indictment
cc

J. Gendron
USMA